

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6080

BILL NUMBER: HB 1325

NOTE PREPARED: May 2, 2011

BILL AMENDED: Apr 29, 2011

SUBJECT: Criminal Conversion of Leased Motor Vehicles.

FIRST AUTHOR: Rep. Steuerwald

FIRST SPONSOR: Sen. Merritt

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill makes criminal conversion of a leased motor vehicle a Class D felony instead of a Class A misdemeanor.

Effective Date: July 1, 2011.

Explanation of State Expenditures: State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Background: The bill sets four conditions to increase the penalty for criminal conversion from a Class A misdemeanor to a Class D felony. The conditions include the person acquires the property by lease, the property is a motor vehicle, there is written agreement of the return location and time, and the person fails to return the property within 30 days of the specified time or within 3 days of a demand for the return of the property.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger

criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

Fiscal Analyst: Karen Firestone, 317-234-2106.